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Mailed :
In re Application of :
Uwe Keller et al. : DECISION ON
Serial No. 10/049,850 : PETITION
Filed: June 21, 2002 :
For: COMPOUND SAFETY GLASS AND PVB FOIL FOR THE PRODUCTION THEREOF

This is a decision on the PETITION UNDER 37 CFR 1.144 TO WITHDRAW THE RESTRICTION REQUIREMENT mailed November 5, 2003.

On November 5, 2003, a two way restriction requirement was made by the examiner under 35 USC 121. The examiner took the position that the groupings of claims were related as a product and a process. Applicants traversed the restriction requirement in a response filed January 14, 2004. The examiner prepared an Ex Parte Quayle action that was mailed on April 14, 2004 that required applicants to either cancel the non-elected claims or take other appropriate action. A one month time period was given for applicants to respond.

On April 29, 2004, the instant petition under 37 CFR 1.144 was filed to formally request the withdrawal of the restriction requirement.

Applicant's position for the withdrawal of the restriction requirement is that the examiner has not shown that a lack of unity exists between the groups of claims.

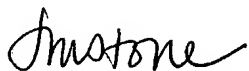
DECISION

The instant application has been filed under 35 U.S.C. 371 as a national phase application of PCT/DE00/02743 and as such is subject to the unity requirements set out in PCT Rules 13.1 – 13.4 and 37 CFR 1.475, as well as the PCT Administrative Instructions, Annex B.

The examiner improperly restricted the instant application under 35 USC 121 which does not apply to U.S. National Phase Applications.

Accordingly, no lack of unity has been shown and Petitioner's arguments are persuasive. The petition to withdraw the restriction requirement is **GRANTED**.

The application is being forwarded to the examiner for rejoinder of the non-elected claims and examination thereof.



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